IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8271 OF 2004

Shamrao Tuljaram Sonawane Petitioner

versus

State of Maharashtra & others Respondents

Dilip Bodke, adv. for petitioner.

C.R.Sonawane, AGP.

Neeta Karnik, adv. for R.4 and 5.

CORAM : A.P.SHAH AND
S.C.DHARMADHIKARI, JJ.

DATE : 16th October 2004

PC :

1. Heard advocates.

2. The petitioner's land was acquired for construction of water tank/reservoir after following necessary procedure under the Land Acquisition Act. The only ground on which the acquisition is sought to be challenged by the petitioner is that if the water tank/reservoir is constructed in the acquired land of one guntha, rest of the property of petitioner will be rendered inaccessible and unusable. This is disputed by the respondents. In any event, this

cannot be a ground for striking down the acquisition proceeding as the petitioner can always claim damages under section 23 on account of severance. It appears that the construction of the reservoir is almost complete. Under the circumstances no interference is warranted under Article 226. Petition is, therefore, dismissed.

(A.P.SHAH, J.)

(S.C.DHARMADHIKARI, J.)